



February 9, 2005

HOUSE BILL No. 1553

DIGEST OF HB 1553 (Updated February 1, 2005 3:19 pm - DI 77)

Citations Affected: IC 5-15; IC 5-22; IC 16-18; IC 16-22; IC 36-1.

Synopsis: Health and hospital corporation. Changes various duties of the health and hospital corporation of Marion County and the corporation's board. Removes certain residency requirements of the board members. Allows board members to waive compensation. Allows certain documents to be maintained in an electronic format. Allows the board to codify ordinances. Provides the division of public health with the powers and duties of a local department of health. Changes the responsibilities of the director of the division of public health. Establishes procedures for enforcing certain orders. Makes technical and conforming changes. Amends surplus property laws concerning hospitals. Repeals laws concerning the corporation's personnel system and tuberculosis commitment proceedings.

Effective: July 1, 2005.

Buell, Summers

January 18, 2005, read first time and referred to Committee on Public Health.
February 8, 2005, amended, reported — Do Pass.

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HB 1553—LS 7314/DI 77+



February 9, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1553

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-15-6-11 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. This chapter does
3 not apply to public records of a ~~county~~ hospital ~~described in~~
4 **established and operated under** IC 16-22 and IC 16-23.

5 SECTION 2. IC 5-22-1-2 IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2005]: Sec. 2. Except as provided in this article,
7 this article does not apply to the following:

- 8 (1) The commission for higher education.
- 9 (2) A state educational institution. However, IC 5-22-15 applies
10 to a state educational institution.
- 11 (3) Military officers and military and armory boards of the state.
- 12 (4) An entity established by the general assembly as a body
13 corporate and politic. However, IC 5-22-15 applies to a body
14 corporate and politic.
- 15 (5) A local hospital authority under IC 5-1-4.
- 16 (6) A municipally owned utility under IC 8-1-11.1 or IC 8-1.5.
- 17 (7) Hospitals ~~organized or~~ **established and** operated under

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IC 16-22-1 through IC 16-22-5, **IC 16-22-8**, IC 16-23-1, or IC 16-24-1.

(8) A library board under IC 20-14-3-14(b).

(9) A local housing authority under IC 36-7-18.

(10) Tax exempt Indiana nonprofit corporations leasing and operating a city market owned by a political subdivision.

(11) A person paying for a purchase or lease with funds other than public funds.

(12) A person that has entered into an agreement with a governmental body under IC 5-23.

(13) A municipality for the operation of municipal facilities used for the collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.

SECTION 3. IC 5-22-22-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) This chapter applies only to personal property owned by a governmental body.

(b) This chapter does not apply to dispositions of property described in any of the following:

(1) IC 5-22-21-1(b).

(2) IC 36-1-11-5.5.

(c) This chapter does not apply to any of the following:

(1) The disposal of property under an urban homesteading program under IC 36-7-17.

(2) The lease of school buildings under IC 21-5.

(3) The sale of land to a lessor in a lease-purchase contract under IC 36-1-10.

(4) The disposal of property by a redevelopment commission established under IC 36-7.

(5) The leasing of property by a board of aviation commissioners established under IC 8-22-2 or an airport authority established under IC 8-22-3.

(6) The disposal of a municipally owned utility under IC 8-1.5.

(7) The sale or lease of property by a unit (as defined in IC 36-1-2-23) to an Indiana nonprofit corporation organized for educational, literary, scientific, religious, or charitable purposes that is exempt from federal income taxation under Section 501 of the Internal Revenue Code or the sale or reletting of that property by the nonprofit corporation.

(8) The disposal of **surplus** property by a hospital ~~organized or operating established and operated~~ under IC 16-22-1 through IC 16-22-5, **IC 16-22-8**, IC 16-23-1, or IC 16-24-1.

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- 1 (9) The sale or lease of property acquired under IC 36-7-13 for
2 industrial development.
- 3 (10) The sale, lease, or disposal of property by a local hospital
4 authority under IC 5-1-4.
- 5 (11) The sale or other disposition of property by a county or
6 municipality to finance housing under IC 5-20-2.
- 7 (12) The disposition of property by a soil and water conservation
8 district under IC 14-32.
- 9 (13) The ~~sale~~ **disposal** of surplus ~~or unneeded~~ property by the
10 ~~board of trustees of~~ the health and hospital corporation
11 **established and operated** under IC 16-22-8.
- 12 (14) The disposal of personal property by a library board under
13 IC 20-14-3-4(c).
- 14 (15) The sale or disposal of property by the historic preservation
15 commission under IC 36-7-11.1.
- 16 (16) The disposal of an interest in property by a housing authority
17 under IC 36-7-18.
- 18 (17) The disposal of property under IC 36-9-37-26.
- 19 (18) The disposal of property used for park purposes under
20 IC 36-10-7-8.
- 21 (19) The disposal of textbooks that will no longer be used by
22 school corporations under IC 20-10.1-10.
- 23 (20) The disposal of residential structures or improvements by a
24 municipal corporation without consideration to:
25 (A) a governmental body; or
26 (B) a nonprofit corporation that is organized to expand the
27 supply or sustain the existing supply of good quality,
28 affordable housing for residents of Indiana having low or
29 moderate incomes.
- 30 (21) The disposal of historic property without consideration to a
31 nonprofit corporation whose charter or articles of incorporation
32 allows the corporation to take action for the preservation of
33 historic property. As used in this subdivision, "historic property"
34 means property that is:
35 (A) listed on the National Register of Historic Places; or
36 (B) eligible for listing on the National Register of Historic
37 Places, as determined by the division of historic preservation
38 and archeology of the department of natural resources.
- 39 (22) The disposal of real property without consideration to:
40 (A) a governmental body; or
41 (B) a nonprofit corporation that exists for the primary purpose
42 of enhancing the environment;

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when the property is to be used for compliance with a permit or an order issued by a federal or state regulatory agency to mitigate an adverse environmental impact.

(23) The disposal of property to a person under an agreement between the person and a governmental body under IC 5-23.

SECTION 4. IC 16-18-2-40.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 40.1. "Board" for purposes of IC 16-22-8, has the meaning set forth in IC 16-22-8-2.1.**

SECTION 5. IC 16-22-8-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2.1. As used in this chapter, "board" refers to the board of a municipal corporation created under this chapter.**

SECTION 6. IC 16-22-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. As used in this chapter, "division" means an administrative subdivision created by this chapter or by the ~~governing~~ board.

SECTION 7. IC 16-22-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. As used in this chapter, "hospital":

(1) means a hospital (as defined in IC 16-18-2-179(b)) that is owned, operated, or managed by a municipality or political subdivision within the territorial jurisdiction of the corporation created by section 6 of this chapter; **and**

(2) does not include state or federal owned or operated hospitals. **and**

~~(3) includes a county home established before July 20, 1951, by the legislative body of the county in which the corporation is created.~~

SECTION 8. IC 16-22-8-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.5. (a) In addition to IC 5-14-1.5-6.1(b), the **corporation board** may hold executive sessions concerning the division of public hospitals to do any of the following:

(1) Discuss and prepare bids, proposals, or arrangements that will be competitively awarded among health care providers.

(2) Discuss recruitment of health care providers.

(3) Discuss and prepare competitive marketing strategies.

(4) Engage in strategic planning.

(5) Participate in a motivational retreat with staff or personnel if the **corporation board** does not conduct any official action (as defined in IC 5-14-1.5-2(d)).

(b) IC 5-14-1.5-5, IC 5-14-1.5-6.1, and IC 5-14-1.5-7 apply to

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executive sessions held under subsection (a).

(c) The corporation may hold confidential, until the information contained in the records is announced to the public, records of a proprietary nature that if revealed would place the corporation at a competitive disadvantage, including the following:

- (1) Terms and conditions of preferred provider arrangements.
- (2) Health care provider recruitment plans.
- (3) Competitive marketing strategies regarding new services and locations.

SECTION 9. IC 16-22-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. The ~~governing~~ board shall exercise the executive and legislative powers of the corporation.

SECTION 10. IC 16-22-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The ~~governing~~ board consists of seven (7) members ~~who have been~~ chosen at large from the county in which the corporation is established.

(b) To be eligible to be selected or serve as a member of the board, an individual must have the following qualifications:

- (1) Be a resident in the county.
- (2) Have been a continued resident in the county for not less than three (3) years immediately preceding the first day of the member's term.

SECTION 11. IC 16-22-8-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) The executive of the consolidated city shall appoint three (3) ~~residents of the city as~~ **board** members, ~~of the board~~; not more than two (2) of whom may belong to the same political party. One (1) member ~~may~~ **must** be a licensed physician.

(b) The board of commissioners of the county in which the corporation is established shall appoint two (2) **board** members ~~of the board~~ who may not belong to the same political party. ~~and must be residents of the county.~~

(c) The city-county legislative body shall appoint two (2) **board** members ~~of the board both of whom must be residents of the county and who~~ may not belong to the same political party. One (1) member shall be appointed for a two (2) year term, and one (1) member shall be appointed for a four (4) year term.

(d) Except as provided in subsection (c), a **board** member ~~of the board~~ serves a term of four (4) years from the beginning of the term for which the member was appointed until a successor has qualified for the office. ~~Each member is~~ **Board members are** eligible ~~to for~~ reappointment. ~~to successive terms.~~

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SECTION 12. IC 16-22-8-9.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9.1. A member of an appointing authority ~~that is~~ identified in section 9 of this chapter may not serve on the ~~corporation's governing~~ board.

SECTION 13. IC 16-22-8-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) A vacancy occurs if a **board** member ~~of the board~~ dies, resigns, changes residence from the county, or is impeached.

(b) If a vacancy occurs or upon the expiration of a term, a member's successor shall be appointed by the authority who originally appointed the member in accordance with this section.

(c) Not more than four (4) **board** members ~~of the board~~ may belong to the same political party.

SECTION 14. IC 16-22-8-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. A **board** member may be impeached under the procedure provided for the impeachment of county officers.

SECTION 15. IC 16-22-8-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. An individual is not prohibited from serving as a **board** member ~~of the board of trustees~~ if the member:

(1) has a pecuniary interest in; or

(2) derives a profit from;

a contract or purchase connected with the ~~hospital~~ **corporation**. However, the member shall disclose the interest or profit in writing to the board. ~~and provide a copy to the state board of accounts.~~ The member shall abstain from voting on any matter that affects the interest or profit.

SECTION 16. IC 16-22-8-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. A **board** member ~~of the governing board~~ is ineligible to hold an appointive office or employment under the corporation.

SECTION 17. IC 16-22-8-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. A **board** member ~~of the governing board~~ is entitled to receive one thousand two hundred dollars (\$1,200) each year and the member who is ~~chairman of the board~~ **chairperson** is entitled to receive an additional six hundred dollars (\$600) each year. These payments shall be made quarterly from funds appropriated for that purpose in the regular budget of the corporation. **A board member may waive compensation by filing a written notice with the corporation.**

SECTION 18. IC 16-22-8-15 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. (a) The ~~governing~~
 2 board shall by rule provide for regular meetings to be held at a
 3 designated interval throughout the year.

4 (b) The ~~chairman~~ **chairperson** or a majority of the members of the
 5 board may call a special meeting. The board shall by rule establish a
 6 procedure for calling special meetings. The ~~board~~ **corporation** shall
 7 publish notice of a special meeting one (1) time, not less than
 8 twenty-four (24) hours before the time of the meeting, in two (2)
 9 newspapers of general circulation in the county in which the
 10 corporation is established.

11 (c) Regular and special meetings are open to the public. **Public**
 12 **notice of meetings must be given as required by IC 5-14-1.5-5.**

13 SECTION 19. IC 16-22-8-16 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) The ~~governing~~
 15 board shall hold the annual meeting the second Monday in January of
 16 each year. At the meeting, the board shall select from among the
 17 members a ~~chairman~~ **chairperson** and vice ~~chairman~~ **chairperson** and
 18 shall make the appointments of personnel provided under this chapter.

19 (b) A vacancy occurs if the ~~chairman~~ **chairperson** or vice ~~chairman~~
 20 **chairperson** of the board dies, resigns, ~~changes residence from the~~
 21 ~~county~~, or is impeached. If the office of ~~chairman~~ **chairperson** or vice
 22 ~~chairman~~ **chairperson** becomes vacant, the board shall select from
 23 among the members a successor ~~chairman~~ **chairperson** or vice
 24 ~~chairman~~ **chairperson** at the next meeting of the board.

25 SECTION 20. IC 16-22-8-17 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. A majority of ~~the~~
 27 ~~members of the board~~ **members** constitutes a quorum for a meeting.
 28 The board may act by an affirmative vote of a majority of those present
 29 at the meeting.

30 SECTION 21. IC 16-22-8-18 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. The ~~board~~
 32 **corporation** shall keep a ~~written record of the board's proceedings that~~
 33 ~~is available for public inspection documents~~ in the office of the ~~board~~.
 34 **corporation or in an electronic format.** The board shall record the
 35 aye and nay vote on the passage of an item of business that affects
 36 private rights and shall record the aye and nay vote on the passage of
 37 any other item of business if two (2) members of the board request that
 38 the votes be recorded by ayes and nays.

39 SECTION 22. IC 16-22-8-19 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. (a) The ~~governing~~
 41 board shall adopt rules of procedure for ~~the board~~ meetings. ~~of the~~
 42 ~~board~~. The board may suspend the rules of procedure by unanimous

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1 vote of the members present at the meeting. The board shall not
 2 suspend the rules of procedure beyond the duration of the meeting at
 3 which the suspension of rules occurs.

4 (b) The board may exercise the powers to supervise internal affairs
 5 common to municipal legislative and administrative bodies.

6 SECTION 23. IC 16-22-8-20 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 20. A **board** member
 8 ~~of the board~~ may introduce a proposed ~~draft of an~~ ordinance at a
 9 meeting of the board. The ~~person who introduces a proposed draft of~~
 10 ~~an ordinance~~ **corporation** shall provide at the time of introduction a
 11 ~~written copy of the prepare proposed draft. The board shall assign to~~
 12 ~~each proposed draft of an ordinance a distinguishing number and the~~
 13 ~~date when introduced.~~ **ordinances in a standardized manner.**

14 SECTION 24. IC 16-22-8-21 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 21. (a) Not more than
 16 seven (7) days after the introduction of a proposed ~~draft of an~~
 17 ordinance nor less than seven (7) days before the final passage of a
 18 proposed ~~draft of an~~ ordinance, the board shall publish a notice that the
 19 proposed ordinance is pending final action by the board. The notice
 20 shall be published one (1) time in two (2) newspapers that have a
 21 general circulation in the jurisdiction of the corporation. Notice of an
 22 ordinance establishing a budget shall be in accordance with the general
 23 law relating to budgets of first class cities.

24 (b) The notice must state the following:

25 (1) The subject of the proposed ordinance.

26 (2) The time and place of the hearing.

27 (3) ~~That~~ The proposed ~~draft of an~~ ordinance is available for public
 28 inspection at the office of the ~~board.~~ **corporation.**

29 (c) The board may include in one (1) notice a reference to the
 30 subject matter of each ~~draft of a~~ pending ordinance for which notice
 31 has not been given.

32 (d) An ordinance is not invalid because the reference to the subject
 33 matter of the ~~draft of an~~ **proposed** ordinance was inadequate if the
 34 reference is sufficient to advise the public of the general subject matter.

35 SECTION 25. IC 16-22-8-22 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. On or before the
 37 date of notice of the introduction of a proposed ordinance, the
 38 ~~governing board corporation~~ shall ~~place five (5) copies of~~ **provide** the
 39 proposed ~~draft on file~~ **ordinance** in the office of the ~~board~~ **corporation**
 40 **or in an electronic format** for public inspection.

41 SECTION 26. IC 16-22-8-23 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 23. At a meeting for

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1 which notice has been given under section 21 of this chapter, the
 2 ~~governing~~ board may take final action on the proposed ordinance or
 3 may postpone final consideration to a future designated meeting
 4 without giving additional notice.

5 SECTION 27. IC 16-22-8-24 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 24. The ~~governing~~
 7 board may adopt ~~a draft of~~ an ordinance only at a meeting open to the
 8 public. Before adopting an ordinance, any person present at the
 9 meeting may give testimony, evidence, or argument for or against the
 10 proposed ordinance in person or by counsel. The board may adopt rules
 11 concerning the number of persons who may be heard and time limits.

12 SECTION 28. IC 16-22-8-25 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25. The ~~governing~~
 14 board shall designate the effective date of the ordinance at the meeting
 15 at which the ordinance is adopted. ~~If the board fails to designate the~~
 16 ~~effective date of the ordinance in the record of the proceedings of the~~
 17 ~~board, the ordinance is effective on the fourteenth day after the passage~~
 18 ~~of the ordinance.~~

19 SECTION 29. IC 16-22-8-26 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 26. (a) The ~~governing~~
 21 **board corporation** shall make ~~copies of~~ each ordinance the board
 22 adopts available to the public. **The board shall codify, revise,**
 23 **rearrange, or compile adopted ordinances under IC 36-1-5-3.**
 24 **Ordinances adopted by the board constitute the code of the health**
 25 **and hospital corporation of the county.**

26 (b) The ~~board corporation~~ may print any or all of the ordinances of
 27 the corporation in pamphlet form or in bound volumes and distribute
 28 pamphlets or bound volumes without charge or may charge the cost of
 29 printing and distribution. **or provide the code of the health and**
 30 **hospital corporation of the county in an electronic format for**
 31 **public inspection.**

32 SECTION 30. IC 16-22-8-27 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 27. (a) The ~~governing~~
 34 board shall appoint an executive director of the ~~board corporation~~ who
 35 is qualified by education and experience to serve for a term of four (4)
 36 years unless sooner removed. The executive director is eligible for
 37 reappointment. The executive director must ~~be a resident of~~ **reside in**
 38 the county.

39 (b) In addition to the duties as executive director of the board, the
 40 executive director acts as secretary of the board.

41 SECTION 31. IC 16-22-8-28 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 28. (a) The ~~governing~~

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board shall create the following:

- (1) A division of public health.
- (2) A division of public hospitals.
- (3) Other divisions the board considers necessary.

(b) The division of public health shall ~~administer the functions of the corporation concerned primarily with disease prevention and control and shall perform the duties and functions of a~~ **serve as the county health department with powers and duties conferred by law upon local board departments of health.**

(c) The division of public hospitals shall ~~administer the functions of the corporation concerned primarily with the curative work of a hospital, clinic, dispensary, or similar facility operated by a local governmental unit or agency in the county of the corporation. The division of public hospitals shall operate and manage a hospital, clinic, dispensary, or similar facility under the jurisdiction of the corporation. The board may create a separate division to operate and manage a county home.~~ **operate the corporation's hospitals, medical facilities, and mental health facilities.**

SECTION 32. IC 16-22-8-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 29. ~~(a) The board corporation may enter into an agreement with a qualified person or governmental agency entity to operate the a hospital, medical facilities, or mental health facilities.~~

~~(b) The consolidated city shall, through representatives designated by the city executive and the city-county legislative body, meet periodically with the board and try to make and carry out mutually agreeable contracts between the two (2) municipal corporations to increase efficiency and avoid duplication of service.~~

SECTION 33. IC 16-22-8-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 30. The board shall appoint a director of the division of public health to serve for a term of four (4) years unless sooner removed for cause. The director is eligible for reappointment. The director must hold ~~or be eligible to hold an unlimited a~~ license to practice medicine in Indiana. ~~and meet the requirements of a local health officer under IC 16-20.~~

SECTION 34. IC 16-22-8-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 31. ~~(a) The director of the division of public health has the powers, functions, and duties of and is subject to the laws relating to a local health officer. The director shall perform other duties prescribed by the board or authorized by a town or city within the county. Valid orders of the director of the division of public health may be enforced in a court with jurisdiction~~

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by injunction.

(b) Orders, citations, and administrative notices of violation issued by the director of the division of public health, the director's authorized representative, a supervisor in the division, or an environmental health specialist may be enforced by the corporation in a court with jurisdiction by filing a civil action in accordance with IC 16-42-5-28, IC 33-36-3-5(b), or IC 36-1-6-4.

(c) Orders, health directives, and restrictions issued by the state health commissioner, the state health commissioner's legally authorized agent, a designated health official, or the director of the division of public health may be enforced by the corporation in a court with jurisdiction by filing a civil action in accordance with IC 16-41-9-1 or IC 16-41-9-11.

(d) A change of venue from the county may not be ~~had~~ granted for orders issued **court proceedings initiated** under this section.

SECTION 35. IC 16-22-8-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 34. (a) The board **or corporation** may do all acts necessary or reasonably incident to carrying out the purposes of this chapter, including the following:

(1) As a municipal corporation, ~~in the board's corporate name~~, to sue and be sued in any court with jurisdiction.

(2) To serve as the exclusive local board of health **and local department of health** within the county with the powers and duties conferred by law upon local boards of health ~~or similar boards. The board supersedes all other and local boards departments of health. within the county. However, the ordinances and codes of the prior health boards remain in effect until an ordinance upon the same subject is enacted by the board.~~

(3) To ~~enact~~ **adopt and enforce** ordinances ~~that are~~ consistent with Indiana law and ~~with the administrative rules of the department~~, for the following purposes:

(A) To protect property owned or managed by the corporation.

(B) To determine, prevent, and abate public health nuisances.

(C) To establish quarantine regulations, impose restrictions on persons having infectious or contagious diseases and contacts of the persons, and regulate the disinfection of premises.

(D) To license, regulate, and establish minimum sanitary standards for the operation of a business handling, producing, processing, preparing, manufacturing, packing, storing, selling, distributing, or transporting articles used for food, drink, confectionery, or condiment in the interest of the public health.

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(E) To control:

(i) rodents, ~~termites, mosquitos, and other animals,~~
including insects, capable of transmitting
microorganisms and ~~pests~~ disease to humans and other
animals; and

(ii) the animal's breeding places.

(F) To require persons to connect to available sewer systems
and to regulate the disposal of domestic or sanitary sewage by
private methods. However, the board **and corporation** has no
jurisdiction over publicly owned or financed sewer systems or
sanitation and disposal plants.

(G) To control rabies.

(H) For the sanitary regulation of water supplies for domestic
use.

(I) To protect, promote, or improve public health. ~~and control~~
~~disease. For public health activities and to enforce public~~
~~health laws, the state health data center described in~~
~~IC 16-19-10 shall provide health data, medical~~
~~information, and epidemiological information to the~~
~~corporation.~~

(J) To detect, report, prevent, and control disease affecting
public health.

(K) To investigate and diagnose health problems and
health hazards.

(L) To regulate the sanitary and structural conditions of
residential and nonresidential buildings and unsafe
premises.

(M) To license and regulate the design, construction, and
operation of public pools, spas, and beaches.

(N) To regulate the storage, containment, handling, use,
and disposal of hazardous materials.

(O) To license and regulate tattoo parlors and body
piercing facilities.

(4) To have ~~exclusive control, operation, and management of~~
~~manage the corporation's hospitals, transferred to the~~
~~corporation. medical facilities, and mental health facilities.~~

(5) ~~The board shall~~ To furnish health and nursing services to
elementary and secondary schools within the county.

(6) ~~The board shall~~ To furnish medical care to the indigent within
the county unless medical care is furnished to the indigent by the
division of family and children.

(7) To determine the public health policies and programs to be

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carried out and administered by the corporation.

(8) To adopt an annual budget **ordinance** and levy taxes. ~~in accordance with this chapter.~~

(9) To incur indebtedness in the name of the corporation. ~~in accordance with this chapter.~~

(10) To organize the personnel and functions of the corporation into divisions and subdivisions to carry out the ~~board's~~ **corporation's** powers and duties and to consolidate, divide, or abolish the divisions and subdivisions.

(11) To acquire and dispose of property.

(12) To receive **and make** gifts, ~~donations, bequests, and public trusts and to agree to conditions and terms accompanying these items and bind the corporation to carry out the conditions and terms.~~

(13) To receive and ~~administer~~ **distribute** federal, or state, aid: **local, or private grants.**

(14) To erect buildings or structures or improvements to existing buildings or structures. ~~needed to carry out this chapter.~~

(15) To determine matters of policy regarding internal organization and operating procedures. ~~not specifically provided for otherwise.~~

(16) To do the following:

(A) Adopt a schedule of reasonable charges for nonresidents of the county for ~~treatments, medicines, and hospital~~ **medical and mental health** services.

(B) Collect the charges from the patient or from the governmental unit where the patient resided at the time of the service.

(C) Require security for the payment of the charges.

(17) To adopt a schedule of and to collect reasonable charges for patients able to pay in full or in part.

(18) To enforce ~~the health laws, ordinances, and Indiana laws, administrative rules, of the corporation, the state, and the state department of health.~~ **code of the health and hospital corporation of the county.**

(19) To purchase supplies, materials, and equipment for the corporation. ~~The purchase of drugs, medical, dental, laboratory, and surgical supplies and instruments, and food shall be in accordance with proceedings adopted by the board and is not subject to IC 36-1-9. The board must approve a purchase of more than five hundred dollars (\$500). All other purchases shall be made in accordance with IC 36-1-9.~~

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(20) To employ personnel **and establish personnel policies** to carry out the duties, functions, and powers of the corporation. ~~The professional and semiprofessional personnel in the division of hospitals shall be employed only on the recommendation of the medical director of hospitals. The superintendent of a hospital (other than the superintendent of a county home) must possess the qualifications required for a director of the division of public hospitals. The trained and skilled personnel in the division of health shall be employed only on the recommendation of the director of public health.~~

(21) To employ an attorney **attorneys** admitted to practice law in Indiana.

(22) To acquire, erect, equip, and operate the ~~hospital in accordance with this chapter.~~ **corporation's hospitals, medical facilities, and mental health facilities.**

(23) To ~~sell~~ **dispose of** surplus or ~~unneeded~~ property in accordance with the procedure prescribed **a policy** by the board. However, if the board disposes of real property by acceptance of bids, a bid submitted by a trust (as defined in IC 30-4-1-1(a)) must identify the following:

(A) Each beneficiary of the trust.

(B) Each settlor empowered to revoke or modify the trust.

(24) To adopt rules to carry out the board's powers and duties and to govern ~~determine~~ the duties of the board's officers employees; and personnel and the internal management of the affairs of the corporation: **division directors.**

(25) To fix the compensation of the officers and ~~employees of the corporation except where a different provision is made by this chapter.~~ **division directors.**

(26) To carry out the purposes and object of the corporation.

(27) ~~To have the powers and duties relating to county homes vested in the county executive and to appoint a superintendent of the county home who must have executive ability and be qualified by education and experience to manage the institution.~~

~~(28)~~ (27) To obtain loans for hospital expenses in amounts and upon terms agreeable to the board. The board may secure the loans by pledging accounts receivable or other security in hospital funds.

(28) To establish fees for licenses, services, and records. The corporation may accept payment by credit card for fees.

(b) The board shall exercise the board's powers and duties in a manner consistent with Indiana law, ~~and with the administrative rules,~~

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1 ~~of and the state department of health.~~ **code of the health and hospital**
 2 **corporation of the county.**

3 SECTION 36. IC 16-22-8-34.5 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 34.5. The ~~governing~~
 5 ~~board of the~~ corporation may enter into a group purchasing agreement
 6 to purchase medical malpractice insurance with the following:

7 (1) One (1) or more hospitals organized or operated under this
 8 article.

9 (2) One (1) or more hospitals organized or operated under
 10 IC 16-23.

11 SECTION 37. IC 36-1-11-1 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Except as
 13 provided in subsection (b), this chapter applies to the disposal of
 14 property by:

15 (1) political subdivisions; and

16 (2) their agencies.

17 (b) This chapter does not apply to the following:

18 (1) The disposal of property under an urban homesteading
 19 program under IC 36-7-17.

20 (2) The lease of school buildings under IC 21-5.

21 (3) The sale of land to a lessor in a lease-purchase contract under
 22 IC 36-1-10.

23 (4) The disposal of property by a redevelopment commission
 24 established under IC 36-7.

25 (5) The leasing of property by a board of aviation commissioners
 26 established under IC 8-22-2 or an airport authority established
 27 under IC 8-22-3.

28 (6) The disposal of a municipally owned utility under IC 8-1.5.

29 (7) The sale or lease of property by a unit to an Indiana nonprofit
 30 corporation organized for educational, literary, scientific,
 31 religious, or charitable purposes that is exempt from federal
 32 income taxation under Section 501 of the Internal Revenue Code
 33 or the sale or reletting of that property by the nonprofit
 34 corporation.

35 (8) The disposal of **surplus** property by a hospital ~~organized or~~
 36 ~~operating established and operated~~ under IC 16-22-1 through
 37 IC 16-22-5, **IC 16-22-8**, IC 16-23-1, or IC 16-24-1.

38 (9) The sale or lease of property acquired under IC 36-7-13 for
 39 industrial development.

40 (10) The sale, lease, or disposal of property by a local hospital
 41 authority under IC 5-1-4.

42 (11) The sale or other disposition of property by a county or

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municipality to finance housing under IC 5-20-2.

(12) The disposition of property by a soil and water conservation district under IC 14-32.

(13) The ~~sale~~ **disposal** of surplus ~~or unneeded~~ property by the ~~board of trustees of~~ the health and hospital corporation **established and operated** under IC 16-22-8.

(14) The disposal of personal property by a library board under IC 20-14-3-4(c).

(15) The sale or disposal of property by the historic preservation commission under IC 36-7-11.1.

(16) The disposal of an interest in property by a housing authority under IC 36-7-18.

(17) The disposal of property under IC 36-9-37-26.

(18) The disposal of property used for park purposes under IC 36-10-7-8.

(19) The disposal of textbooks that will no longer be used by school corporations under IC 20-10.1-10.

(20) The disposal of residential structures or improvements by a municipal corporation without consideration to:

(A) a governmental entity; or

(B) a nonprofit corporation that is organized to expand the supply or sustain the existing supply of good quality, affordable housing for residents of Indiana having low or moderate incomes.

(21) The disposal of historic property without consideration to a nonprofit corporation whose charter or articles of incorporation allows the corporation to take action for the preservation of historic property. As used in this subdivision, "historic property" means property that is:

(A) listed on the National Register of Historic Places; or

(B) eligible for listing on the National Register of Historic Places, as determined by the division of historic preservation and archeology of the department of natural resources.

(22) The disposal of real property without consideration to:

(A) a governmental agency; or

(B) a nonprofit corporation that exists for the primary purpose of enhancing the environment;

when the property is to be used for compliance with a permit or an order issued by a federal or state regulatory agency to mitigate an adverse environmental impact.

(23) The disposal of property to a person under an agreement between the person and a political subdivision or an agency of a

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1 political subdivision under IC 5-23.
 2 (24) The disposal of residential real property pursuant to a federal
 3 aviation regulation (14 CFR 150) Airport Noise Compatibility
 4 Planning Program as approved by the Federal Aviation
 5 Administration.
 6 SECTION 38. THE FOLLOWING ARE REPEALED [EFFECTIVE
 7 JULY 1, 2005]: IC 16-22-8-33; IC 16-22-8-54.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1553, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 27, reset in roman "One (1) member".

Page 5, line 27, after "may" insert "**must**".

Page 5, line 27, reset in roman "be a licensed".

Page 5, line 28, reset in roman "physician".

Page 11, line 7, delete "IC 33-36-3-5(b) and" and insert "**IC 16-42-5-28, IC 33-36-3-5(b), or**".

Page 11, line 13, delete "and" and insert "**or**".

Page 11, line 29, strike "that are".

Page 12, line 16, after "enforce public" insert "**health**".

Page 12, line 25, delete "the buildings" and insert "**unsafe**".

Page 13, line 10, after "receive" insert "**and make**".

Page 13, line 10, delete "gifts," and insert "gifts."

Page 13, line 10, strike "donations, bequests, and public trusts and".

Page 13, strike lines 11 through 12.

Page 14, line 21, strike "adopt".

Page 14, line 22, after "govern" insert "**determine**".

Page 15, line 3, strike "board of the".

and when so amended that said bill do pass.

(Reference is to HB 1553 as introduced.)

BECKER, Chair

Committee Vote: yeas 10, nays 0.

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